

**INFORMATION SHEET**  
**DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE**  
**WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF**  
**NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: OMAHA DIST DRO

FILE NUMBER: 200380158

REGULATORY PROJECT MANAGER: MCKEE

PROJECT REVIEW/DETERMINATION COMPLETED: In the office **Y** Date: Mar 8, 2005  
 At the project site **Y** Date: Mar 27 03 and Oct 19 04

**PROJECT LOCATION INFORMATION:**

State: CO

County: Weld

Center coordinates of site by latitude & longitudinal coordinates: 39 57 15.7520, 104 57 00.0000

Approximate size of site/property (including uplands & in acres): 160

Name of waterway or watershed: Middle South Platte-Cherry Creek

SITE CONDITIONS: Dry upland around the aquatic site

Type of aquatic resource <sup>1</sup>	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear feet	Unknown
Lake									
River									
Stream									
Dry Wash									
Mudflat									
Sandflat									
Wetlands									
Slough									
Prairie pothole									
Wet meadow									
Playa lake									
Vernal pool									
Natural pond									
Other water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup> :	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able To Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?					

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Approved** X Preliminary

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 – site conditions; paragraphs 2-3 – rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 – site information on waters of the U.S. occurring onsite):

The Signal Ditch flowing to Big Dry Creek in the SE ¼ Section 29, Township 1 North, Range 67 West, Weld County, Colorado is constructed entirely on dry land. Since the ditch does not intercept 100% of the flow of any natural tributary, it has not replaced a natural tributary and is simply functioning as an irrigation ditch. The three dry ponds; 1, 2, and 3 do not meet wetland characteristics. Wetland area 1 and area 2 are neither adjacent to nor surface connected to an interstate waters. They are both surrounded by uplands. They are isolated from a waters of the U.S.